

2. XTRA Lease tendered its defense of the claims brought by the Holdemans and Stratmans in the Underlying Lawsuit to Sentry pursuant to an insurance policy issued by Sentry to named insured and defendant herein Long Run Express LLC, Policy Number CT751117001 (“Long Run Policy”), and an insurance policy issued by Sentry to named insured and defendant herein C&G Express, LLC, Policy Number CT751827003 (“C&G Policy”).

3. The identical provisions of the insuring agreement and limit of insurance of the Long Run Policy and C&G Policy provide a basis for summary judgment in favor of Sentry and against XTRA Lease, the Holdemans, and the Stratmans, because Sentry’s duty to indemnify XTRA Lease or any other insured under the Policies has been discharged by the exhaustion of the applicable limit of liability of each policy pursuant to Sentry’s tender and payment to the Holdemans and Stratmans of the \$1,000,000 policy limit of the Long Run Policy and the \$1,000,000 policy limit of the C&G Policy.

4. The identical provisions of the Long Run Policy and C&G Policy provide a basis for summary judgment in favor of Sentry because Sentry’s duty to defend XTRA Lease or any other insured under the Policies has been terminated by Sentry’s tender and payment to Steven Holdeman of the \$1,000,000 policy limit of the Long Run Policy and the \$1,000,000 policy limit of the C&G Policy pursuant to the execution of settlement agreements authorized by R.S.Mo. § 537.065.

5. Sentry files herewith its memorandum in support which includes a statement of uncontroverted material facts. The pleadings and record on file in this action establish there is no genuine issue as to any material fact to Sentry’s claim for declaratory relief and show Sentry, as the moving party, is entitled to declaratory judgment as a matter of law.

6. For the reasons stated herein and in its memorandum in support, Sentry requests the Court grant this motion for summary judgment, enter judgment in favor of Sentry and against defendants declaring that Sentry owes no duty to defend or indemnify XTRA Lease or any other insured under the C&G Policy or Long Run Policy for the Holdemans' and Stratmans' respective claims arising out of the Accident or asserted in the Underlying Lawsuit, and award Sentry its costs.

WHEREFORE, for the reasons stated herein and in its memorandum in support, Plaintiff Sentry Select Insurance Company requests the Court grant this motion for summary judgment, enter judgment in favor of Sentry and against defendants XTRA Lease, LLC, Steven and Sarah Holdeman, and Philip and Kathy Stratman, award Sentry its costs, and grant such other and further relief this Court deems just and proper.

SANDBERG PHOENIX & von GONTARD P.C.

By: /s/ Aaron D. French

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Certificate of Service

I hereby certify that on the 15th day of October 2015 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel and parties of record.

/s/ Aaron D. French
